G. R. S. App. F. IX-4]

194 2-

File No. 12-42

Serial Nos. 11-14

Previous References.

Pols 12-42 (6-7) (Pols)
" 35-41 (6)
" 55-39 (1-2)

Later References.

" 35-41 (1-3 pp) PRESERVED
" 81-40 (1-2)
Pols 135-42 (1-2)
Pr: dep 242/42

Preserve

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four

Part B for January 1943

SUBJECT.

Request of permission to Messrs. S. Krishnaswami Rao and G. Ahmed Khan to visit the Mysore Jail on the 28th and 31st October 1942

Ja
29.1.43

Serial No.

Letter dated 1st Nov 1942 from Mr. G. Ahmed Khan, Mysore Non-offl Visitor, Mysore Jail making a similar complaint

Pekhin dated 30th Octobr 1942 addressed to Hon Member for Law by M.R.S. Krishnaswamy Rao B.A.; B.L. Advocate Mysore alleging that he was not allowed by the Mysore jail authorities to visit the said jail as a non-official visitor on the 28th Octr. 1942 in connection with the alleged lathi charge on the previous day and requesting that necessary action may be taken in the matter.

---

1) Hon Law Member's orders thereon dated 1st Nov 1942

"Chief Secy., Please look up references in which an instruction was issued that a non-official visitor should not be permitted to interview Detenus in Chelemapalli jail. Put up with a note"

Submitted

2) Section 54(1) of the Prisons Act of 1870 empowers the Govt to make rules for the appointment and guidance of visitors of prisons. In exercise of this power rules 14 to 24 of the Jail Manual have been made for regulating

NOTE—Cont. Sheet.

WD 04155- GIPB—55,000—23-10-41

the appointment, powers and functions etc of Visitors

A non-official Visitor is appointed by Govt in consultation with the Dist Magte, for a period of two years (Rule 16). He is expected to visit the jail at least once a quarter, and oftener if possible (Rule 19). It is his duty to satisfy himself that the laws and rules regulating the management of prisons and prisoners are duly carried out in the jail, to visit all parts of the jail and to see all prisoners and to hear and enquire into any complaint that any prisoner may make to him. He may further call for inspect any book or record in the jail subject to certain conditions (Rule 18)

The functions of Visitors as thus limited to prisoners proper, and the Jail Manual makes no one case a non-official Visitor said as detenu in the Chittagong Lock-up, and the S. G. of Prisons thereupon requested the Defence Commissioners to advise the non-official Visitors that they should confine their visits to prisoners only as required by Rules 18 to 21 of the Jail Manual, and that they were not required to see detenus during such visits (Flag A)

In British India specific provision appears to have been made excluding

VII

The position of a non-official visitor to jails

General and Revenue Secretariat | File No | of 194 | [App. F. III—2

Serial No.

Visitors from Seeing Defence. Rules rule 23 of the Rules issued by the Govt of Madras under rule 26 (a) of the Defence of India Rules provides that the ordinary jail visitors shall not have access to security prisoners (Vide extract submitted Flag D)

6/11

Chief Secy)

7/11

Law Dept

8/11

Dewan)

7/11

8/11/41

10/11/41

11/11

If it is deemed necessary to inform Mr Krishna Swami Rao in the matter, a draft reply is submitted for consideration (The letter of Mr Ahmed Khan is addressed to the D.C. Mysore and ~~copies~~ is forwarding a copy of letter to him, a request to be made known to inform Mr Ahmed Khan accordingly.

6

13/11/41

NOTE—Contn. Sheet.

WD 04165—GPB—55,000—23-10-41

2972

Letters from Messrs S. Krishnaswami Rao & G. Ahamed Khan, Non-official Visitors to the Myore Jail.

File No. of 194

General and Revenue Secretariat.

Serial No.

If approd, an interim reply to Messrs Krishnaswamy Rau and G. Ahamed Khan will be issued and a report called for from the I.G. of Prisons as to the circumstances in which their entry into the Jail was refused.

M. 14/11

2) A reply is due to Messrs Krishnaswamy Rao and G. Ahamed Khan. Their complaint is not merely that they were not allowed to see detenus but that they were not admitted into the jail at all. Though the purpose of Mr. Krishnaswami Rao's proposed visit, as seen from his letters, was to see the detenus, ~~G. Ahamed Khan~~ which he had no right to do, Mr. G. Ahamed Khan has not made any mention of the purpose of his visit. It is for orders if a report may be called for from the I.G.P. as to the circumstances in which they were refused admission to the jail.

14/11

Chief Secy)

4) a report may be called for from the I.G. of Prisons before a reply is sent to them

15/11

Law M.

5) 17/11

15/11

15/11

PRISONS

271

Serial No.

6) Draft letter to the Supdt Prisons is submitted for appl

7) Issued

Issued letter No. P 3582 dated 24.11.1942 to the Supdt Prisons

Dep A 24/11

Remarks from Mr Ahamed Khan dated 26.3.1942 in the matter.

Interim report submitted for appl.

6 28/4 Issued 30/4/42

7 D.O No. P 3882 dt 31/12/42

Dep A

From

The Supdt of Prisons,

Letter No. 603 ro dated 22nd Dec 1942 forwarding a copy of the report furnished by the Superintendent Mysore Jail.

8) Submitted for kind perusal with reference to orders at paras 1 to 7 of the note sheet.

The report of the Supdt, Mysore Jail discloses that Mr Ahamed Khan called at the Jail on the 31st Octr 1942 for the purpose of interviewing the Detenu detenu Mr Krishnaswamy, Rao merely called at the jail on the 29th October 1942 and went away after enquiring at the Gate whether the Supdt was in his office. He came again on the 31st Octr 1942 both

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

PRISONS

Visit Sought for by Hon. Offl Trustees Nagpur Jail

File No. of 194 Secretariat

Serial No.

two trustees to the Jail but did not tell anything about his visit on the previous day.

The Supdt to Dr Ahmed Khan Head for his interviewing the Student detenus he had to seek for the permission of the Dist Magde. His reply of the Supdt is in accordance with the Standing instructions of Govt (Vide Pris 12-42-2 dated 11. 9. 1942) a. flag N

Obviously the visit sought for by Dr Ahmed Khan & also the enquiry made by Dr Krishnaswamy Rao were in connection with the Midd. Cane charge made against the detenus for putting down their unruly behaviour on the night of the 27th Octr. 1942

The course adopted by the Supdt was an expedient one & was according to the Standing instructions approved, a reply will be given to the two gentlemen Heads on the lines explained by the Supdt.

Submitted for orders

16/12

Letters from Non-Official Visitors, Mysore Jail.

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

OFFICE OF THE
DEC 18
No 5794

It is seen from the explanations given by the Supdt of the Mysore Jail that Mr. Ahmed Khan was told by him that he was not entitled as a non-official visitor to see detenues and that the allegations made by Mr. Krishnaswamy Rao of discourtesy is not true and that Mr. Krishnaswamy Rao himself did not allege it when he subsequently met the Supdt on the 31st.

They will if approved be informed that under the Jail Manual Rules the visits of non-official visitors should be confined to prisoners only and that they are not required or authorised to see detenues.

MMW 14/12

Chief Secy)

OFFICE OF THE
1891
17 DEC 1

It is better to issue a rule, declaring that non-official visitors are not entitled to interview detenues as visiting persons must be informed of such rules to avoid such troubles.

15/12

MMW 15/12

Law Dept

A DB I agree with effect in the 2-C

I have answered to this effect in the 2-C

Sd/- 15/12

MMW 20/12/12

21/12

MMW 22/12

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

PRISONS

Non-official visitors - Rules - Revn.

File No. of 194

General and Revenue Secretariat

Serial No.

JAN 6 1943
No. 5930

2994
5 Jan

Draft G.O together with a draft reply to the gentlemen is submitted for orders

29/12/42

The rule is framed under the powers conferred by the Defence of India Rules as in Madras.

Chief Secy)

For favourable consideration

Law Min.
Chief Law Sec)

Amended the draft G.O. omitting Sub R 5(1)

Issued Orders No P 4816-17 dated 9.1.43 to Messrs Krishnaswamy Rao & Ahmed Khan

Issued T.O. No P 4806-15 dated 9th Jany 1943 directing that non-official visitors shall not see detenus etc.

B
9/1/43

GOVT. LAW DEPT. GOVT OF MYSORE

G. Ahmed Khan
Member
Mysore Representative Assembly

Proprietor
A. R. K. & SONS
General Bazaar
Mysore

Ref:No.23-63-5

November 1, 1942

To

The Deputy Commissioner,
Mysore District,
M Y S O R E.

SECRETARIAT
3 NOV 1942

NOV 2 1942
No

Dear Sir,

With reference to Govt. Notification No.P.4626/Pris-50-41-2 of 9-4-1942, appointing me as one of the Non-official Visitors to the Jail, Mysore, for a period of two years from 17-5-1942, I beg to state that yesterday (31-10-1942) I had gone to visit the Jail at about 11 a.m. along with two other gentlemen visitors. But to my surprise, the Officer in charge of the Jail totally refused to admit us inside inspite of our telling him of our being Non-official visito He also happened to say that he had strict orders from the Deputy Commissioner that no visitors should be allowed in.

In this connection, I wish to state that I had taken it an honor on me as Government had appointed me as such even without consulting me. But I am grieved much when I am abstained from discharging my responsibility as an Hon.Non-official Visitor and consider it better not to have accepted such honourary work of Government. In the meanwhile, I do believe that Government have framed certain rules in this connection and request you to please refer me to the clause according to which an Hon.Non-official visitor may be objected to visit the jail.

An early reply will highly oblige.

P.T.O

Yours faithfully,
Sd/-

Ref:No.23/63-5 Mysore, dated November 1, 1942.

Copy of the foregoing is submitted to the Minister for Law, In Mysore, Bangalore for information and necessary action.

R.A.Member.

2972 P 42

Circ Ltr 4.

Please look up cases in which prompt visitors [illegible] a visit to the premises & Statement before a Magistrate in Chambers of the Jail. Put up with a note

From

S. Krishnaswami Rao, B.A., LL.B.,
Advocate &
Non-Official Visitor,
Mysore Jail, M y s o r e.
- - - - - -

To

The Minister for Law,

Govt: of Mysore,

B a n g a l o r e.
- - - - - - - - -

GENL. & REV. SECRETARIAT. 3 NOV. 1942 PAPER BRANCH.

Sir,

I have been appointed a Non-Official Visitor to the Jail, Mysore, under the order of Government, General and Revenue Secretriat No.P 4628, Pris 50-41-2 dated the 9th: April 1942. I have visited the jail 3 or 4 times so far

I learnt that there was a lathi charge on the night of the 27th instant in the jail and wide spread rumours of various kinds are current in the City. Some of them are so wild and alarming as to cause much apprehension in the minds of the public. It is the duty of every citizen to see that these wild rumours are contradicted and the public anxiety alleyed as far as possible. Some of the parents and other close relatives of the prisoners in the jail come and worry me at odd hours to ascertain from me whether the rumours are true or not.

To discharge my duty as a non-official Visitor to the satisfaction of my conscience I went to the jail on the 28th instant at about 3 P.M. and asked the guard at the gate to give my visiting card to the Jail Superintendent or to the Jailer. These gentlemen were not in the jail, I was told. The Jailer was at his residence. My visiting card was sent to him. After some time he came from his residence and told me that he was not authorised to allow me to go inside the jail without the permission of the Superintendent who had not come from his house.

I requested the Jailer to phone to him and obtain permission from him to let me in. I was asked to wait and I waited near the jail for one hour and then again sent words to him to his house to ascertain whether he got any reply. The Jailer came out and told me that the Superintendent was not likely to come for some time and that he had gone out on some urgent Government work. It was also hinted by him that without previous intimation that I need not take the trouble of going over there. I may mention in this connection that on former occasions of my visit I had not given my previous intimation.

On the following day, that is, the 29th instant at about 10-30 A.M. I phoned to the Jail authorities. Some-body replied that both the jailer and the Superintendent were not in the jail and words would be sent to them. I waited at the phone for nearly a quarter of an hour and though I questioned several times the replies were that the man who had gone carrying the information was not come.

Again at about 12 noon I phoned. This time I was told by somebody that both the Superintendent and the Jailer were there in the Office. I asked my informer that any one of them might be asked to kindly come to the phone. Then the Jailer came and told me that the Superintendent was not in the jail. I pointed out to him that just then I was told that both of them were in the jail office. But the Jailer said that it was a mistake. On being further questioned whether the Superintendent would not come to the jail that day and whether he (the Jailer) had absolutely no authority to allow me to do my duty as a Non-Official Visitor, he told me that I might go to the jail after 4 O'clock. Having finished my work at the Court, I went to the jail at about 5-30 in the evening. I was told at the gate that the Superintendent was in the jail. I sent my visiting card to him. After some time, the man who had taken the card came back saying that the Superintendent could not see me as he was busy. I told that man that I had gone there not so much to see the Superintendent but to see the prisoners, and asked him to go and inform this to the

the Superintendent. He said he would not go again and asked me to go away.

I feel that I was treated with scant courtesy and that I was insulted. I am aggrieved that I was not allowed to do my assigned duty. I am sorry I was appointed a Non-Official Visitor at this juncture. This appointment was not of my seeking.

I have brought these facts to the kind notice of Government and request them to do the needful. I solicit an early reply as to what I should do in future.

I remain,

Sir,

Your obedient servant,

Date. 30/10/42
Mysore

S. [illegible]

Non Official
Visitor
Mysore Jail

NB. P 3582/Sec 2 dt 24.11.42
Pris 12-42-12

G. R. S. App. F. G. 3

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To

The Dy of Police

Subject :— Refusal of permission to Messrs S. Krishnaswami Rao and G. Ahamed Khan Deputies etc to visit the Mysore Jail on the 28 & 31st Oct 1942

Sir,

I am directed to forward herewith, for favour of perusal & report at an early date, petition received from Messrs Krishnaswami Rao & Ahamed Khan, on the above subject

Return of the petition is requested

29/11/42

Dharwar
28 NOV 1942
for Chief Secretary

WD 0282—GPB—22,500—14-3-38

Y. Ahamed Khan.
Member
Mysore Representative Assembl
&
Proprietor
A. R. K. & SONS

3637
General Bazaar
Mysore 194
November 26, 1942

Ref:No.78-9 23/

SECRETARIAT
27 NOV. 1942

To

The Deputy Commissioner,

Mysore District,

M Y S O R E.

SECY. LAW DEPT.
27 NOV. 1942
GOVT OF MYSORE

Dear Sir,

I beg to invite your kind reference to my letter No. 23/63-5 of the 1st instant and request an early reply xx thereto.

Yours faithfully,

Sd.
R.A.Member.

Ref:No.23/78-9. Mysore dated November 26, 1942.

Copy of the above to the Minister for Law in Mysore, Bangalore for information.

R.A.Member.

D.O. No. P3882 & 3.12.42

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Dear Sir,

With reference to your letter dated 28 November 1942 regarding your visit to the Mysore Jail I am desired to inform you that the matter is under consideration

Yours Sincerely

Asst Secy

To

Mr G. Hamid Khan

Civil Bazaar

Mysore

6

28/11/42

WD 0282—GPB—22,500—14-3-38

C.F. No. 46]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

the Inspector-General of Prisons in Mysore, Bangalore,

No. 603-40
Encls. Three

Date 8th December 1942.

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore,

Bangalore.

Sir

Subject:- Refusal of permission to Messrs. S. Krishnaswami Rao and G. Ahamed Khan, Mysore City to visit the Mysore Jail on the 28th and 31st October 1942.

With reference to your letter No. P. 3582 dated 24th November 1942, I have the honour to forward herewith for information a copy of a detailed report received from the Superintendent, Mysore Jail, in the matter. I am of opinion that the explanation given by the Superintendent may be accepted.

The petitions sent with your letter are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

Copy of letter No. 2301/Enc.1 dated the 30th November 1942 from the Superintendent, Mysore Jail, Mysore to the Inspector-General of Prisons in Mysore, Bangalore.

With reference to your docket No. 603-38 dated the 25th November 1942 forwarding copy of Chief Secretary's letter No. P. 3582 dated 24th November 1942 with its two enclosures and calling for a detailed report on all the points referred to in the representations of Messrs. S. Krishnaswami Rao and Ahamed Khan (Non Official visitors to the Mysore Jail), I have the honour to submit as follows:-

On or about the 31st October 1942, Messrs. Ahamed Khan, Krishnaswami Rao and Dhanakoti Chetti (Non Official visitors) came to me and requested for permission to interview the student detenues. I informed them politely that I had ~~not~~ no powers to permit them to interview the student detenues who had been detained under the special orders of the District Magistrate and I requested them to approach the said officer for permission. I however told them that I had no objection to their visiting the Jail and interviewing the prisoners and performing their duties as non-official visitors under the provisions of chapter III of the Jail Manual. They went away and I did not hear again from them in the matter.

In this connection, I beg to submit that according to rule 18, Chapter III of the Jail Manual, which prescribes the powers and duties of visitors, a visitor is at liberty to see all prisoners and to hear and enquire into any complaint that any prisoner may make to him. But in the present case, the non-official visitors referred to wanted, to interview the student detenues who had been detained under the special orders of the District Magistrate under the provisions of the Defence of India Act as applied to Mysore and the rules thereunder for which special permission of the District Magistrate is necessary. Kind reference is also invited to your Memo No. 653-15 dated 15-9-42 forwarding copy of Chief Secretary's letter No. P. 1756-64/Pris. 12-42-7 dated 11-9-42 directing that interviews with detenues should be with the permission of the District Magistrates concerned. It was in view of this that the above non-officials were

were asked to approach the District Magistrate

As regards Mr. Krishnaswami Rao's representation stating that he went to the Jail on the 28th and 29th October 42 I beg to add that on or about the 29th evening when I cam back to my Office after finishing my rounds within the premises of the Jail, I was told that Mr S. Krishnaswami Rao, had come and enquired whether I was in the Office and that he went away on hearing that I was on my rounds. I came out and saw that there was none outside. As regards his allegation that he was treated with scant courtesy and was insulted, I understand from enquiries that it is not correct and that none of the Jail staff behaved rudely towards him. In fact, Mr. Krishnaswami Rao did not tell me anything about this when he met me on 31-10-42 with the two other visitors.

The enclosures received with your letter are returned herewith.

" C o p y "

Inspector-General of Prisons.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

2 drafts

Diary No. of letter replied to.....

Section. Pris

File No. 12-42

Serial No. 14

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 9.1.43 193 .

Read—

Signed by Mr. D.K.V.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Order thereon.—No. P 4806-15

In exercise of the powers conferred by Sub-rule (5) ~~read (5-A)~~ of rule 26 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following rule shall be the ordinary jail and lock-up non-official visitors of jails and lock-ups shall not have access to persons detained under the Defence of

Condition of detention applicable to persons ordered under rule 26 to be detained in Jails, Sub-Jails or Lock ups within the Mysore State, namely —

India ~~Act~~ Rules as applied to Mysore under the Mysore Public Security Act

The ordinary Jail / or Lock up regulations (non-official) shall not have access to ~~persons~~ detenus or persons convicted & imprisoned under the Defence of India Act, or Rules or the Public Security Act."

~~for~~ Chief Secy to Govt

To
The I. G. of Prisons
The D. M. of Dist
~~The Superintendent~~
b
5/1/42

List of Enclosure

Copied by

Examined by

7D 0523—GPB—22,500—22-3-37

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

O R D E R NO. P. 4806-15 Pris 12-42-14

Dated, Bangalore, the 9th January 1943.

In exercise of the powers conferred by sub-rule (5) of Rule 26 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the non-official visitors of Jails and Lock-ups shall not have access to persons detained under the Defence of India Rules as applied to Mysore or the Mysore Public ~~xxxxxx~~ Security Act.

By order,
CHIEF SECRETARY TO GOVERNMENT.

To - The Inspector-General of Prisons in Mysore.
The District Magistrates of Districts.

khho/6.

D.O. No. P 4816 17 & 9-1-43

2 copies

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Dear Sir,

With reference to your letter, dated (1) 30th October 1942 (2) 8th November 1942 regarding your desire to see Mysore Jail, I am desired to ~~inform you~~ state that under the Jail Manual Rules, decision of non-official visitors should be confined to prisons only & that they are not required or authorised to see detenus.

Yours sincerely,

[illegible]
6/1

To

(1) S. Krishnaswamy Iyer Esqr
B.A., L.L.B., Advocate
Mysore.

(2) T. Ahamed Khan Esqr
Proprietor A.R.K & Sons
Mysore

22/1/43

WD 0280—GPB—22,500—14-3-38